

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

GE HEALTHCARE BIO-SCIENCES AB,)
GE HEALTHCARE BIO-SCIENCES)
CORPORATION, and GENERAL)
ELECTRIC COMPANY,)
Plaintiffs,) Civil Action No. 1:14-cv-07080-LTS
v.)
BIO-RAD LABORATORIES, INC.,)
Defendant and Counterclaim Plaintiff.)

)

DECLARATION OF THOMAS KOSHY

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I, Thomas Koshy, declare as follows:

1. I am Vice President Sales, Process Analytical at Brinkmann Instruments, Inc.

d/b/a Metrohm USA ("Metrohm USA"). Metrohm USA and I are not parties to this action.

2. In 2011, Metrohm USA purchased certain assets of {Applikon Analyzers Inc.}, a Texas corporation and subsidiary of Applikon Analytical BV. Prior to this purchase, I was an employee of {Applikon Analyzers Inc.} ("Applikon"), and had been since 2008.

3. I submit this declaration concerning the distribution and availability of two Applikon product brochures. Except as stated otherwise, I have personal knowledge of the facts set forth below.

4. Applikon has marketed and sold the ADI 2045VA Process Analyzer since at least January 2007, and the ADI 2040 Process Analyzer since at least August 1999. These process analyzers have been widely available for purchase in the Netherlands and United States.

5. Applikon advertised the ADI 2040 and 2045 VA process analyzers in several means including product brochures. These brochures were widely distributed and available to the public from multiple sources including: Applikon's website, trade shows, Applikon and third party sales persons, and distributors.

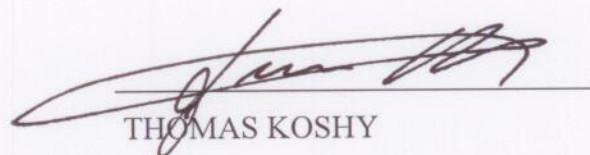
6. The product brochure titled "ADI 2045VA Process Analyzer – Trace Metal and Plating Bath Analysis" (herein "ADI 2045VA Brochure") attached as Ex. A hereto is a true and accurate copy of an Applikon product brochure for the ADI 2045 Process Analyzer that was available on or before September 2007 as indicated on the edge of the last page of the brochure. On or before March 2007, the brochure was available for download or viewing on the Applikon Analytical website and was distributed to customers and potential customers in the U.S.

7. The brochure titled "ADI 2040 Process Analyzer – Multi-Purpose Wet Chemical Analysis" (herein "ADI 2040 Brochure") attached hereto as Ex. B is a true and accurate copy of an Applikon product brochure for the ADI 2040 Process Analyzer that was available on or before September 2008, as indicated by the copyright notice on the edge of the last page of the brochure. On or before September 1999, the brochure was available for download or viewing on the Applikon Analytical website and was distributed to customers and potential customers in the U.S.

8. I understand that each of the machines described above could be used with a module to perform chromatography and that such a module was available for use prior to September 2008.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 30 day of October, 2014 in Riverview, FL.



THOMAS KOSHY